

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANTHONY L. RIVERS,

Petitioner,

VS.

JO ANNE B. BARNHART,

Respondent.

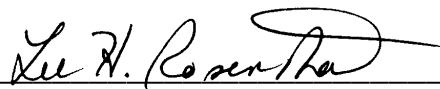
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 04-3292

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND
REMANDING UNDER 42 U.S.C. § 405(g)**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on March 3, 2006 and made a *de novo* determination. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). This court adopts the Memorandum and Recommendation and orders that plaintiff Anthony L. Rivers's motion for summary judgment be granted, that the defendant Commissioner of the Social Security Administration's motion for summary judgment be denied, and that this case be remanded under the fourth sentence of 42 U.S.C. § 405(g) with instructions for the Commissioner to grant Rivers's application for benefits and to calculate the benefits that are due.

SIGNED on March 27, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge